

**REMARKS**

Claims 1, 4, 5 and 39-41 are pending and under consideration, claims 1 and 39 have been amended and claims 40 and 41 have been newly added. No new matter is presented.

First, applicant submits that the withdrawal of claim 9 is improper because the light-emitting apparatus package claimed in claim 9 is identical to that of current claim 1.

Claim 39 is rejected under 35 USC 102(e) as being anticipated by Wu, U.S. Patent Publication No. 2004/0173808.

Claim 39 recites “a first concave section recessed in a thickness direction of the ceramic substrate, the first concave section providing a light exit aperture on a first surface of the ceramic substrate.” Wu fails to teach or suggest this feature.

Wu teaches that the light is emitted through the transparent substrate, away from the claimed light exit aperture (see the arrows pointing down in Wu’s Fig. 3). Further, Wu teaches a molding compound 311 which shields the LED. Thus, light could not exit upward (in the direction of the drawing) and the concave sections could not possibly correspond to a light exit aperture because light does not exit in that direction.

Further, claim 39 recites “the ceramic substrate being made of silicon carbide, alumina, or aluminum nitride.” As described in the specification, pg. 22, lines 12-15, these materials are electrical insulators that have good thermal conduction. Wu, on the other hand, teaches that substrate is transparent (paragraph [0029]). Thus, Wu’s transparent substrate could not be made from these materials. Thus, Wu fails to teach or suggest the features of claim 39. Applicant requests that this rejection be withdrawn.

Claims 1, 4 and 39 are rejected under 35 USC 102(b) as being anticipated by Kazuyuki, JP 2002-314149. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Kazuyuki.

Claim 1 has been amended to recite “a metalized layer, provided tightly on at least a part of the bottom surface of the second concave section in such a manner that the metalized layer is electrically insulated from the wiring pattern, the metalized layer having a light reflective property.” Kazuyuki fails to teach or suggest this feature.

The Examiner asserts that metal plate 12a of Kazuyuki corresponds to the claimed metalized layer. However, Kazuyuki’s metal plate 12a (see Fig. 2), although provided in the concave section, is *away* from the bottom surface of the concave section. Hence, the metal plate 12a can not correspond to the claimed metalized layer which is provided tightly on at least a part of the bottom surface of the second concave section.

Likewise, claim 1 recites “a light-emitting device on a bottom surface of the second concave section” which is not possible according to Kazuyuki. Thus, Kazuyuki also fails to teach or suggest this feature of claim 1.

Claim 39 recites “the second concave section having a bottom surface for tightly mounting a light emitting device.” Kazuyuki clearly discloses that the LED 14 is not provided on the bottom surface of the concave section. Thus, Kazuyuki fails to disclose or suggest the features of claim 39.

Claims 4 and 5 are allowable at least due to their respective dependencies.

New claims 40 and 41 are allowable at least due to their dependencies from claims 1 and 39, respectively.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 247322002100.

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